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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,884	02/15/2001	Amit Phadnis	CSCO-002/94701	4202

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NARENDRA R. THAPPETA  
LONDON & STARK ASSOCIATES, ONE CRYSTAL PARK  
SUITE 210, 2011 CRYSTAL DRIVE  
ARLINGTON, VA 22202

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2152

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/785,884

Applicant(s)

PHADNIS ET AL.

Examiner

Victor Lesniewski

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The amendment filed 4/7/2005 has been placed of record in the file.
2. Claims 1-66 are now pending.
3. The applicant's arguments with respect to claims 1-66 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

### ***Response to Arguments***

4. Claims 1-4, 8-10, 14-16, 21-23, 25, 29, 30, 35-40, 42, and 46-66 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ketcham (U.S. Patent Number 6,721,334) in view of Pereira (U.S. Patent Number 5,781,726). Claims 5-7, 11, 13, 17-19, 24, 26, 28, 31, 32, 34, 41, 43, and 45 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ketcham in view of Pereira, further in view of Chao et al. (U.S. Patent Number 5,964,837). Claims 12, 20, 27, 33, and 44 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ketcham in view of Pereira, further in view of Chao et al., further in view of Simpson ("RFC 1661: Point-to-Point Protocol," July 1994).

5. In the remarks, the applicant has argued:

- <Argument 1>

Pereira does not disclose the specific way in which the keep-alive messages are processed as recited in claim 1.

- <Argument 2>

Pereira teaches away from the technique of claim 1.

- <Argument 3>

The combination of Ketcham and Pereira does not disclose the features of claim 2 because it does not disclose “indicating the status of the plurality of sessions in an aggregated reply packet” as recited in claim 2.

6. In response to argument 1, it is noted that the rejection of claim 1 relies on the combination of Ketcham and Pereira to meet the limitations for keep-alive message processing as recited in claim 1. The combination of Ketcham and Pereira does disclose “receiving in an aggregation device said plurality of keep-alive messages” and “generating in said aggregation device an aggregated request packet which indicates that the status of PPP session is requested” as recited in claim 1. The combination does not rely on Pereira to state the specific way in which the keep-alive messages are processed, but rather relies on Pereira’s use of keep-alive messages incorporated into Ketcham’s system for aggregating messages. The applicant’s statement that Pereira’s system differs from the aggregation of the present invention because it “would resort to blocking of polling traffic for traffic optimization” is irrelevant when considering Pereira’s keep-alive messages in combination with the aggregation processing of Ketcham.

7. In response to argument 2, Pereira does not teach away from the technique of claim 1. As the applicant has noted, Pereira is mainly concerned with dividing connection oriented sessions into link sessions between end stations. However, this preferred embodiment does not explicitly teach away from a process to aggregate keep-alive messages. No where does Pereira state that keep-alives could not be aggregated in a system such as Ketcham’s. Furthermore, as the applicant has acknowledged, Pereira is concerned with reducing traffic on the communication network. Ketcham also attains the goal of traffic reduction, but by aggregating

Art Unit: 2152

packets. Thus it is maintained that it would have been obvious to one of ordinary skill in the art, especially one concerned with traffic optimization, to modify the aggregation system of Ketcham by adding the ability to use keep-alives as provided by Pereira.

8. In response to argument 3, the combination of Ketcham and Pereira does disclose the features as recited in claim 2. Again it is noted that the rejection of the claim relies on the combination of Ketcham and Pereira to meet the limitations for keep-alive message processing. Pereira discloses a response poll (or reply packet) that indicates the status of a session, as discussed in the previous citation, column 6, lines 1-6, and elsewhere. Taking into consideration this reply packet with the aggregation processing of Ketcham, an aggregated reply clearly results. The applicant's statements that "Ketcham would not disclose or suggest such a feature" and "Pereira also would not disclose or suggest such a feature" are irrelevant because they do not address the combination of Ketcham and Pereira. The applicant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9. In addition, the applicant has argued that claims rejected under 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

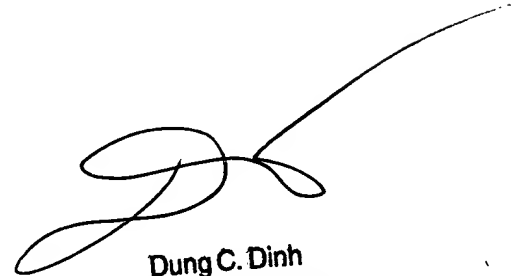
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski  
Patent Examiner  
Group Art Unit 2152



Dung C. Dinh  
Primary Examiner